



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,989	04/16/2004	James Botelho	40699.0001	8730
26712	7590	05/08/2009		
HODGSON RUSS LLP THE GUARANTY BUILDING 140 PEARL STREET SUITE 100 BUFFALO, NY 14202-4040			EXAMINER KAMEN, NOAH P	
			ART UNIT 3741	PAPER NUMBER
			MAIL DATE 05/08/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JAMES BOTELHO, JOSEF VISINSKI, ANDREW VISINSKI,
JOSEPH LAPINE

Application No. 10/825,989
Technology Center 3700

Mailed: May 8, 2009

Before Deborah Perry, *Supervisory Paralegal Specialist, Review Team*
Perry, *Supervisory Paralegal Specialist, Review Team*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 17, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, HEADINGS

A review of the file indicates that the Appeal Brief filed November 18, 2005, does not comply with 37 CFR § 41.37(c) because it does not contain all required heading items. Specifically, 37 CFR § 41.37 (c)(1) requires the following heading items to be included in the Appeal Brief:

(ix) *Evidence appendix.*

(x) *Related proceedings appendix.*

Please have Appellant submit a paper with the missing headings.

CONCLUSION

Accordingly, it is ORDERED that the application be returned to the Examiner to:

- (1) to hold the Appeal Brief filed November 18, 2005, defective;
- (2) for appellant to file a paper with the two missing appendix headings;
- (3) for any such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/mev

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040